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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HIANG-SWEE CHIANG

Appeal 2009-001206
Application 09/812,634
Technology Center 2400

Decided: May 25, 2010

Before JOSEPH L. DIXON, HOWARD B. BLANKSHIP, and
JEAN R. HOMERE, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant appeals under 35 U.S.C. § 134(a) from the Final Rejection of claims 1-78. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

I. STATEMENT OF THE CASE

The Invention

The invention at issue on appeal relates to a method and apparatus for utilizing a single identifier for all user requests to establish a computer to computer session (Spec. 4).

The Illustrative Claim

Claim 1, an illustrative claim, reads as follows:

1. A method for performing user and session management over a computer network, comprising:

receiving a first request from a user for an application instance, the request including a single identifier used to identify both a session and a user for all user requests without further user and session application variables; and

transmitting an application instance response to the user based on stored user and session system information.

The References

The Examiner relies on the following references as evidence:

Zhao	US 6,035,404	Mar. 7, 2000
Gupta	US 6,226,752 B1	May 1, 2001 (filed May 11, 1999)

Wood

US 6,668,322 B1

Dec. 23, 2003
(filed Aug. 5, 1999)

The Rejections

The following rejections are before us for review:

Claims 1, 3-10, 12-20, 22-29, 31-38, 40-49, 51-59, 61-69, and 71-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wood and Zhao.

Claims 2, 11, 21, 30, 39, 50, 60 and 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Wood, Zhao and Gupta.

Only those arguments actually made by the Appellant have been considered in this decision. Arguments which the Appellant could have made but chose not to make in the Briefs have not been considered and are deemed to be waived. *See* 37 C.F.R. § 41.37 (c)(1)(vii) (2008).

II. ISSUE

Has the Examiner erred in finding that the combination of Wood and Zhao teaches or fairly suggests “the request including a single identifier used to identify both a session and a user for all user requests without further user and session application variables,” as recited in claim 1?

III. PRINCIPLES OF LAW

Scope of Claim

During prosecution before the USPTO, claims are to be given their broadest reasonable interpretation, and the scope of a claim cannot be

narrowed by reading disclosed limitations into the claim. *See In re Morris*, 127 F.3d 1048, 1053-1054 (Fed. Cir. 1997). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citing *In re Bass*, 314 F.3d 575, 577 (Fed. Cir. 2002)).

“Giving claims their broadest reasonable construction ‘serves the public interest by reducing the possibility that claims, finally allowed, will be given broader scope than is justified.’” *Id.* (quoting *In re Yamamoto*, 740 F.2d 1569, 1571 (Fed. Cir. 1984)) (internal citation omitted). “Construing claims broadly during prosecution is not unfair to the applicant . . . because the applicant has the opportunity to amend the claims to obtain more precise claim coverage.” *Id.*

Obviousness

“Obviousness is a question of law based on underlying findings of fact.” *In re Kubin*, 561 F.3d 1351, 1355 (Fed. Cir. 2009). The underlying factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) secondary considerations of nonobviousness. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (citation omitted).

IV. FINDINGS OF FACT

The following findings of fact (FFs) are supported by a preponderance of the evidence.

Specification

1. Specification describes that

Next, at step 405, if authentication is successful, the runtime environment returns a redirection response to the original request URL together with *a single cookie* (also referred to herein as the JLVSsession cookie, which may contain a static, unchanging value) that includes a random number generated by the central server 18 via random number generator 21 for *uniquely identifying the user and the session* (step 407), after which the process 400 continues as described further below.

(Spec. 13) (emphasis added).

Wood

2. Wood discloses that an incoming request of session includes a single session token (Col. 10, ll. 30-36).
3. Wood also discloses that the session token representation 430 as a cookie or a session credential structure 421 (Col. 9, ll. 7-15) includes a principal id for identifying a principal such as John Doe, and a session id for identifying current session (Col. 8, ll. 9-24, Fig. 4).
4. Wood further teaches in certain configuration such that “session tokens are employed to facilitate session continuity and to allow the security

architecture to associate prior authentication of login credentials with an incoming access request.” (Col. 10, ll. 48-61). Thus, one token can be used for multiple user requests without changing user and session application variables.

V. ANALYSIS

The Appellant has the opportunity on appeal to the Board of Patent Appeals and Interferences (BPAI) to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (citing *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). The Examiner sets forth a detailed explanation of a reasoned conclusion of unpatentability in the Examiner’s Answer. Therefore, we look to the Appellant’s Brief to show error in the proffered reasoned conclusion. *Id.*

Grouping of Claims

The Appellant has elected to argue claims 1, 3-10, 12-20, 22-39, 31-38, 40-49, 51-59, 61-69, and 71-78 together as a group (App. Br. 17-21). Therefore, we select independent claim 1 as the representative claim for this group, and we will address the Appellant’s arguments with respect thereto. 37 C.F.R. § 41.37 (c)(1)(vii). *See In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987).

35 U.S.C. § 103(a) Rejections

We start our analysis with claim construction. We broadly, yet

reasonably, construe the claim limitation “single identifier” in light of the Specification (FF 1) as a single word, token, cookie, or code because we find that the form of the single identifier is defined neither in the claims nor in the Specification.

With respect to claim 1, the Appellant contends that “neither Zhao nor Wood teach or suggest ‘receiving . . . [a] request including a single identifier used to identify both a session and a user.’” (App. Br. 19). According to the Appellant, “Zhao teaches that the session ID, which is relied upon to support the rejection, is not received in a user request. Rather Zhao teaches that the session ID is *generated and maintained internally* in the state lookup table.” (Reply Br. 7).

We agree with the Appellant’s contention that Zhao does not teach the argued limitation. However, we find Wood teaches that a request for a session can include a single session token (single identifier) (FF 2). We also find Wood teaches that the single identifier in the request would have a field “principal id” for identifying a principal (user) and a field “session id” for identifying a session (FF 3). We further find Wood teaches that the session token (single identifier) is used for maintaining the continuity of the session for all user requests without changing the user or session variables (FF 4). Therefore, Wood clearly teaches the argued limitations.

The Appellant also contends that “Wood actually teaches away from combining to form the recited combination” because Wood teaches using two separate identifiers to identify the session and the user (App. Br. 20, Reply Br. 8).

We disagree with the Appellant's reading of the Wood reference. First, we find that the argued limitations read on the teachings of Wood that a single session token (single identifier) contains a principal id and session id for identifying the session and the user (FF 3). In addition, there is no limitation in the claim or the Specification for the form of the single identifier that have multiple fields to identify a user and a session under our claim construction. Furthermore, the Appellant only provides a subjective and incorrect view that Wood teaches two identifiers to identify a user and a session. However, as noted before, "single identifier" does not preclude that the single identifier contains several fields in which two fields can be used for identifying a user and a session as taught by Wood (FF 3). Finally, we do not find and the Appellant has not identified any express or implied teachings in the disclosures of Wood and Zhao for criticizing, discrediting or otherwise discouraging the solution claimed and the Appellant has not presented any evidence that the session creation scheme of Zhao cannot be used in the environment of Wood, which is also for creating sessions.

Accordingly, we sustain the Examiner's obviousness rejection of representative claim 1. We also sustain the Examiner's obviousness rejection of independent claims 7-10, 17-20, 26-29, 35-38, 44-47, 55-58, 65-68, 75, and 77, for which the Appellant presents similar arguments. We further sustain the Examiner's obviousness rejection of dependent claims 2-6, 11-16, 21-25, 30-34, 39-43, 48-54, 59-64, 69-74, 76, and 78, which have not been separately argued, and therefore fall with their base claims. 37 C.F.R. § 41.37 (c)(1)(vii). See *Nielson*, 816 F.2d at 1572.

VI. CONCLUSION

Accordingly, based on our consideration of the totality of the record before us, we have weighed the evidence of obviousness found in the combined teachings of the applied references, with Appellant's countervailing evidence and arguments for nonobviousness and conclude that the claimed invention encompassed by appealed claims 1-78 would have been obvious as a matter of law under 35 U.S.C. § 103(a).

VII. ORDER

We affirm the obviousness rejections of claim 1-78 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136 (a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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WOODCOCK WASHBURN LLP
CIRA CENTRE
2929 ARCH STREET, 12TH FLOOR
PHILADELPHIA, PA 19104-2891